

BEFORE THE BID OPENING DATE. PUBLICATION OF THE NOTICE REQUIRED BY PARAGRAPH (2) WHICH IS LESS THAN 30 DAYS BEFORE THE BID OPENING DATE SHALL BE DEFECTIVE NOTICE, UNLESS THE PROJECT IS EXEMPT FROM COMPETITIVE SEALED BIDDING BY STATE LAW.

(4) NOTICES OF AWARDS OF CONTRACTS EXEMPT FROM THE BID NOTICE PUBLICATION REQUIREMENT OF PARAGRAPH (3) SHALL BE PUBLISHED IN THE MARYLAND REGISTER.

(5) IN THE EVENT OF AN EMERGENCY, THE HEAD OF THE PROCUREMENT AGENCY MAY WAIVE THE REQUIREMENTS OF THIS SECTION. THE NECESSITY FOR THE WAIVER SHALL BE DOCUMENTED AND PUBLISHED IN THE MARYLAND REGISTER.

(6) NOTICES OF INVITATION FOR BIDS ON OTHER STATE CONTRACTS AND THEIR SUBSEQUENT AWARDS MAY BE PUBLISHED IN THE MARYLAND REGISTER AT THE OPTION OF THE STATE DOCUMENTS ADMINISTRATOR WHEN REQUESTED BY THE PROCUREMENT AGENCY, AND WHEN PUBLICATION IS CONSIDERED IN THE STATE'S INTEREST BY THE PROCUREMENT AGENCY AND THE STATE DOCUMENTS ADMINISTRATOR.

(7) PUBLIC NOTICE MAY ALSO BE GIVEN BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THIS STATE OR IN ANY OTHER PUBLICATION WHICH WILL GIVE ADEQUATE PUBLIC NOTICE.

(D) BIDS SHALL BE OPENED PUBLICLY AT THE TIME AND PLACE DESIGNATED IN THE INVITATION FOR BIDS.

(E) THE NAME OF THE BIDDERS AND THE AMOUNT OF THE BIDS SHALL BE ANNOUNCED, RECORDED, AND POSTED.

(F) THE RECORD OF THE BID, AND THE BID DOCUMENTS, SHALL BE OPEN TO PUBLIC INSPECTION AT THE TIME OF OPENING, AND THE BID AND BID FILES SHALL THEREAFTER BE OPEN TO PUBLIC INSPECTION ONLY AS PROVIDED BY THE PUBLIC INFORMATION ACT.

(G) THE CONTRACT SHALL BE AWARDED TO THE RESPONSIVE AND RESPONSIBLE BIDDER WHOSE BID IS EITHER THE LOWEST BID PRICE OR LOWEST EVALUATED BID PRICE AFTER ALL APPROVALS REQUIRED BY REGULATION HAVE BEEN OBTAINED.

(H) AFTER BID OPENING, CORRECTION OR WITHDRAWAL OF BIDS MAY BE ALLOWED ONLY (1) IF PERMITTED BY THE REGULATIONS OF THE DEPARTMENT, AND (2) UPON WRITTEN APPROVAL BY THE STATE LAW DEPARTMENT.

3-203.

(A) IF THE PROCUREMENT OFFICER DETERMINES, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3-202 OF THIS ARTICLE, THAT COMPETITIVE SEALED BIDDING CANNOT BE USED BUT THAT THERE IS MORE THAN ONE AVAILABLE SOURCE FOR THE SUBJECT OF THE CONTRACT, THE PROCUREMENT OFFICER MAY, WITH THE APPROVAL OF THE AGENCY HEAD OR HIS DESIGNEE, AWARD A CONTRACT BY COMPETITIVE NEGOTIATION.